

# McGUIREWOODS

## HEARING ON MOTION FOR PRELIMINARY INJUNCTION

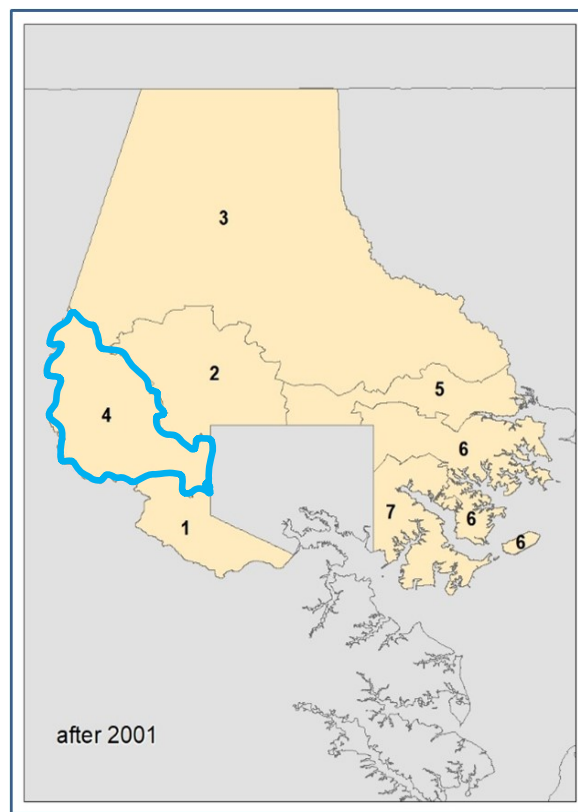
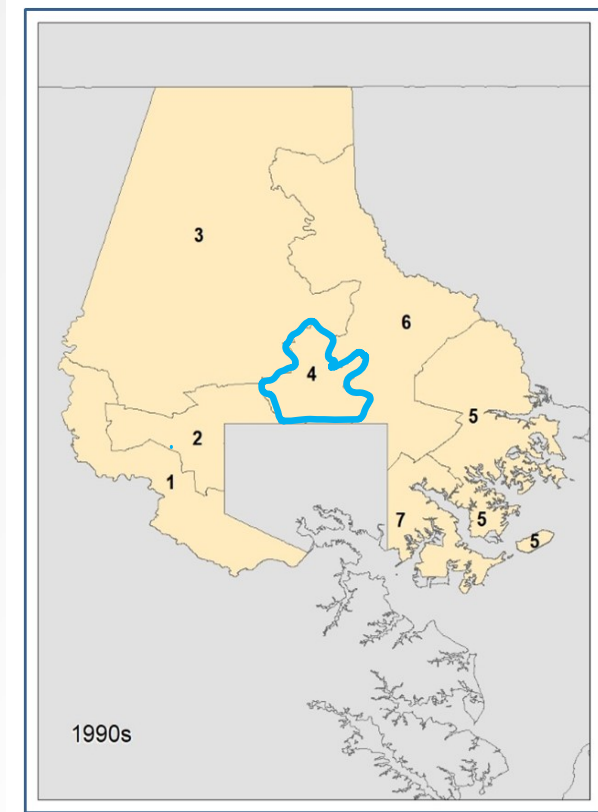
NAACP, ET. AL V. BALTIMORE COUNTY, MD, ET AL.  
U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND  
CASE NO. LKG-21-03232



## BALTIMORE COUNTY ELECTION DEADLINES

- March 22, 2022 – Deadline for filing certificate of candidacy.
- March 24, 2022 – Deadline to withdraw certificate of candidacy.
- March 28, 2022 – Deadline to fill vacancy in candidacy.
- March 29, 2022 – Deadline to challenge candidate's residency.
- April 25, 2022 – Certification of Ballot
- April 28, 2022 – Printing of Ballots
- May 14, 2022 – Mail in ballots (March 30th in *Milligan*)



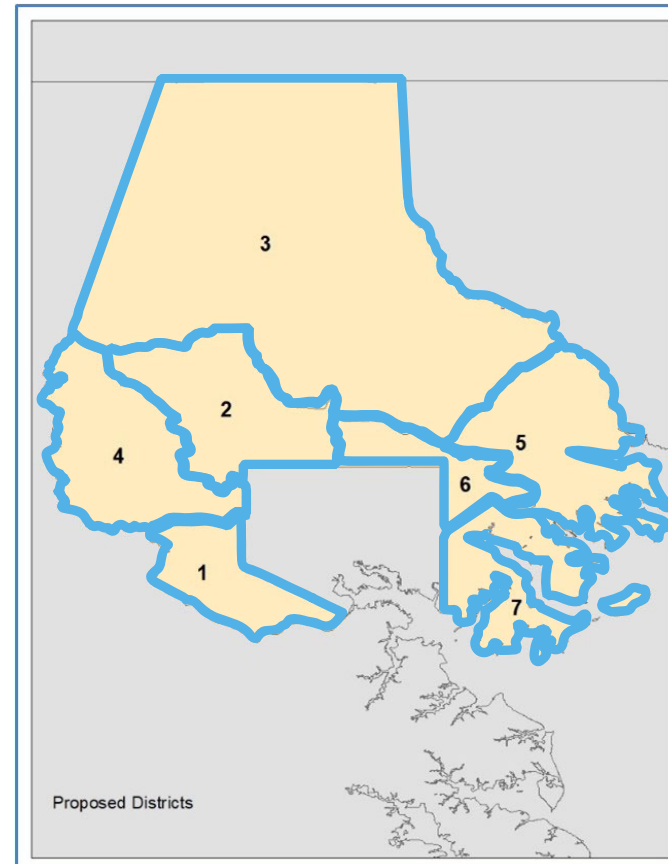
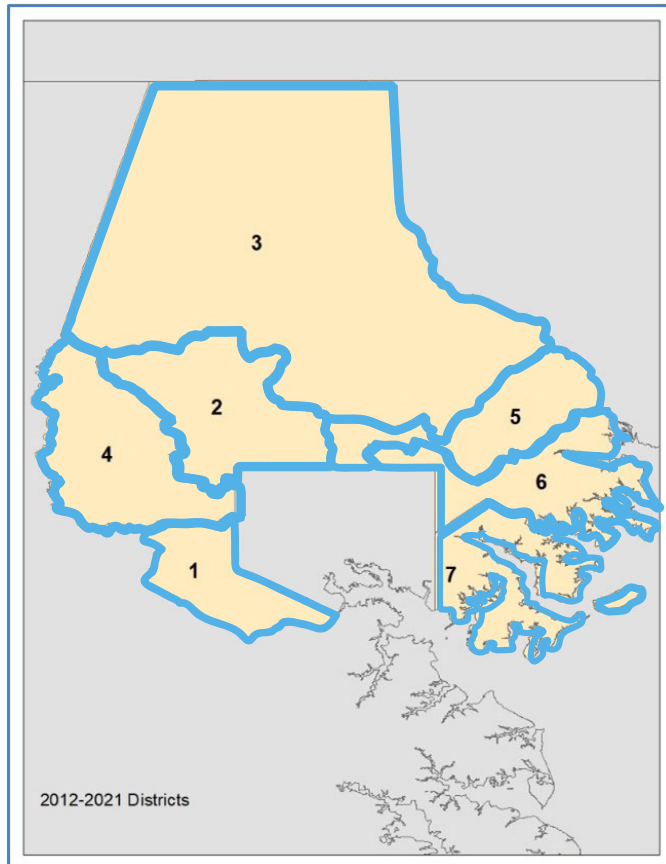


**IN 2001, THE NAACP  
PUSHED FOR A  
MAJORITY-BLACK  
DISTRICT, WHICH HAS  
ELECTED A BLACK  
COUNCILMEMBER IN  
EVERY ELECTION SINCE.**



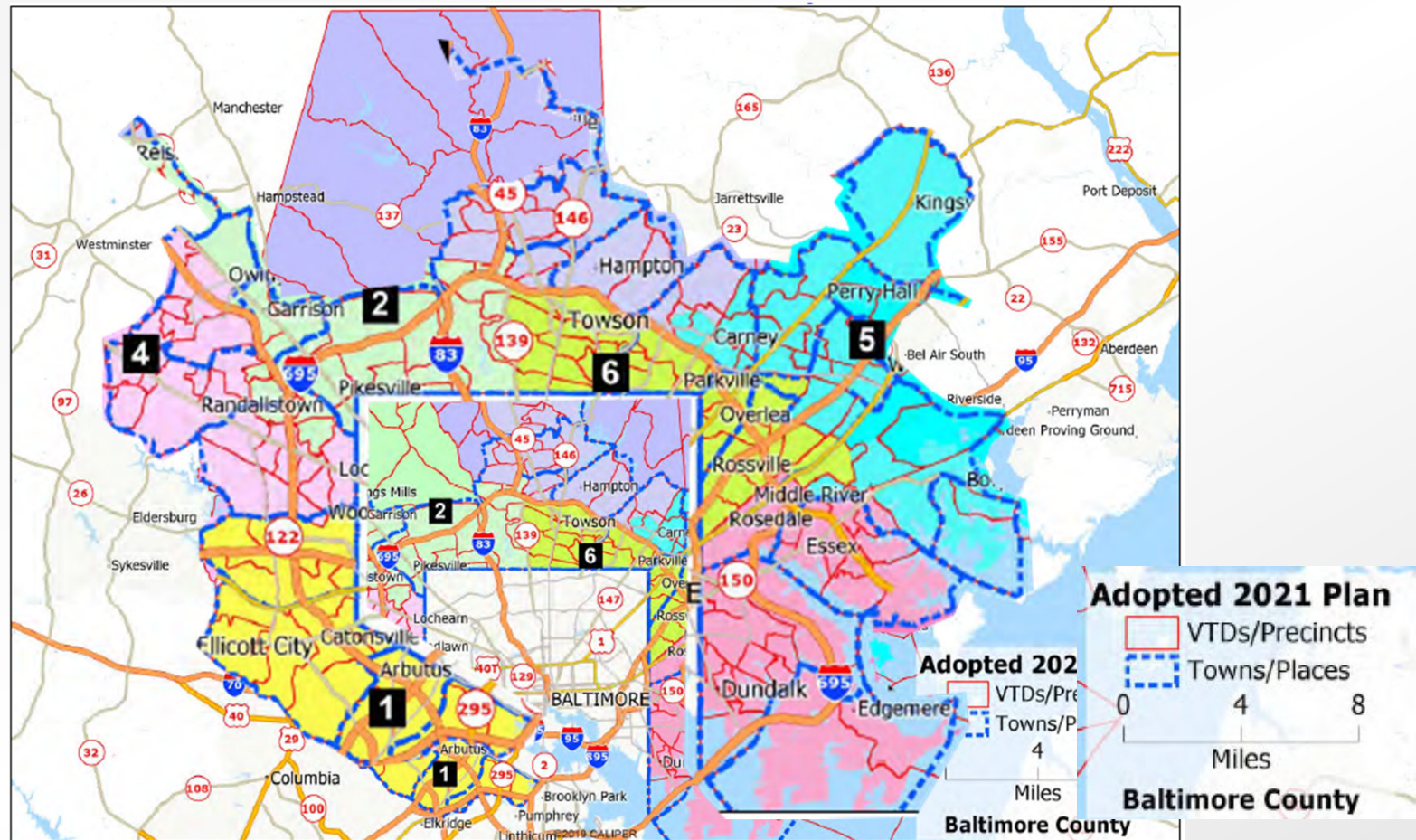


## OLD MAP AND BILL 103-21





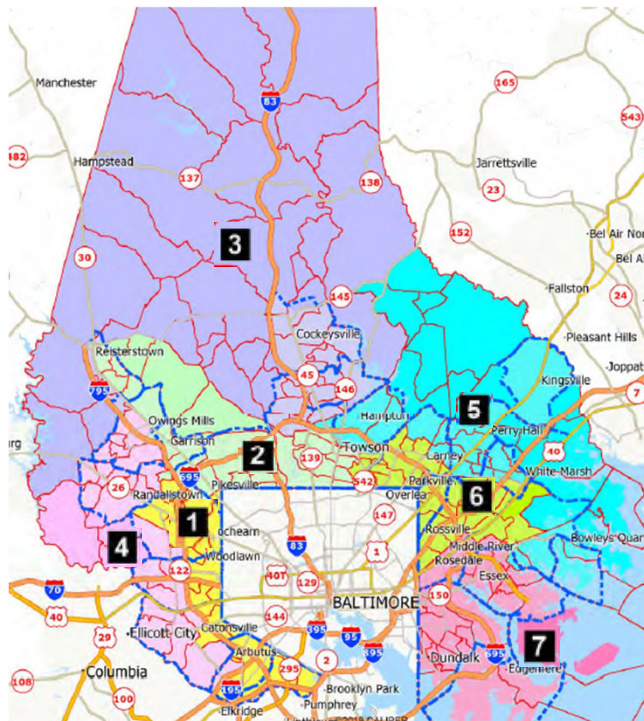
## BILL 103-21



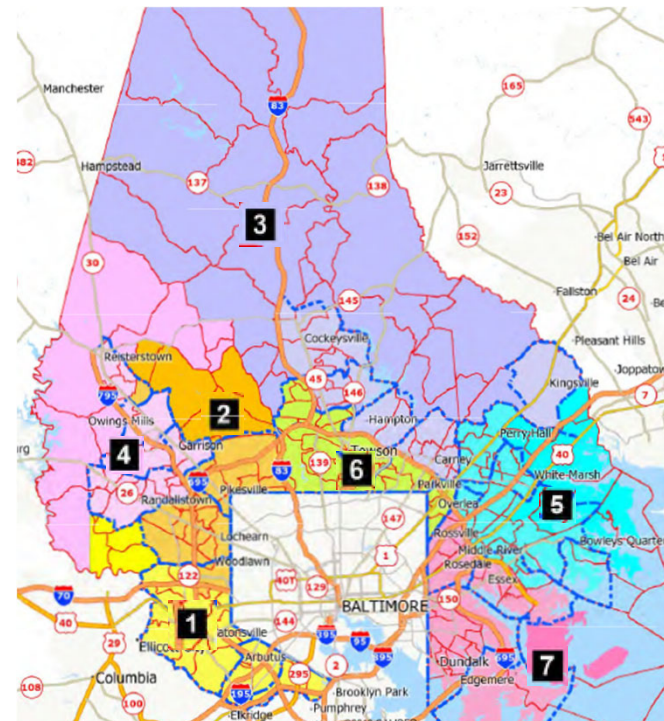


## NAACP PROPOSED MAPS

NAACP Map #1

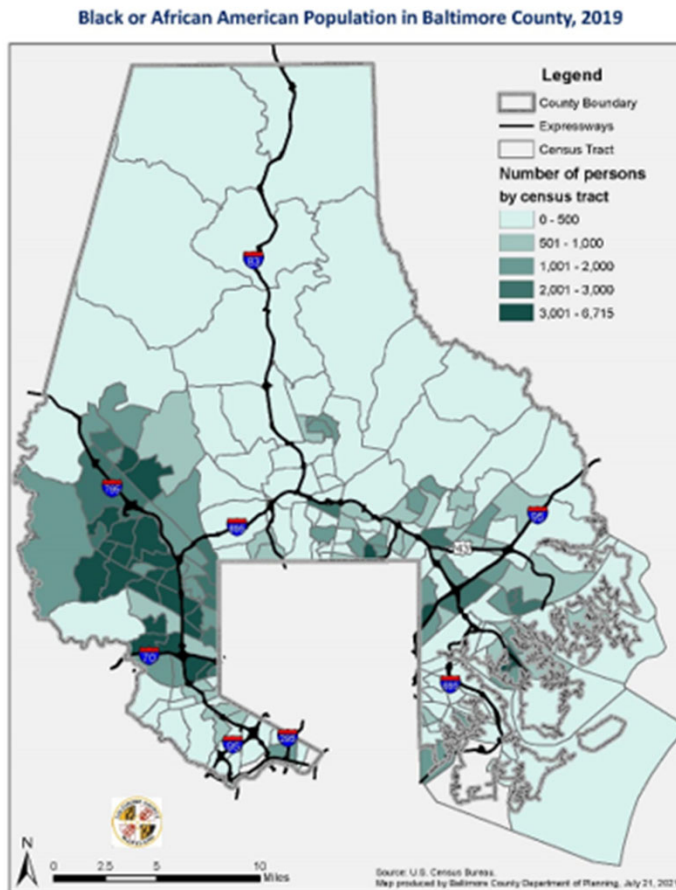


NAACP Map #5



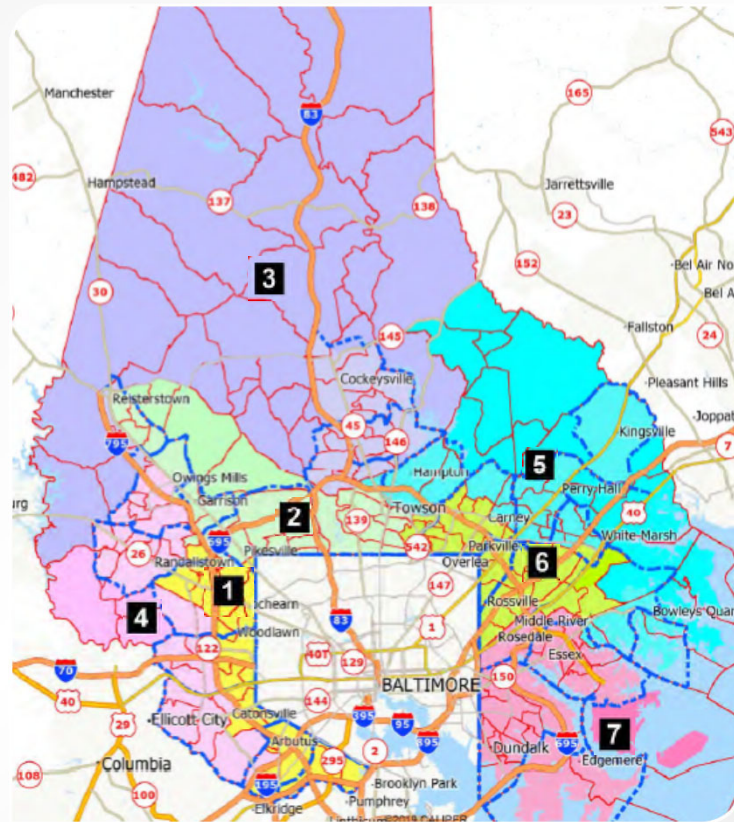


## THE BLACK POPULATION GROWTH BETWEEN 2010 AND 2019





# THE NAACP'S PROPOSED PLAN 1



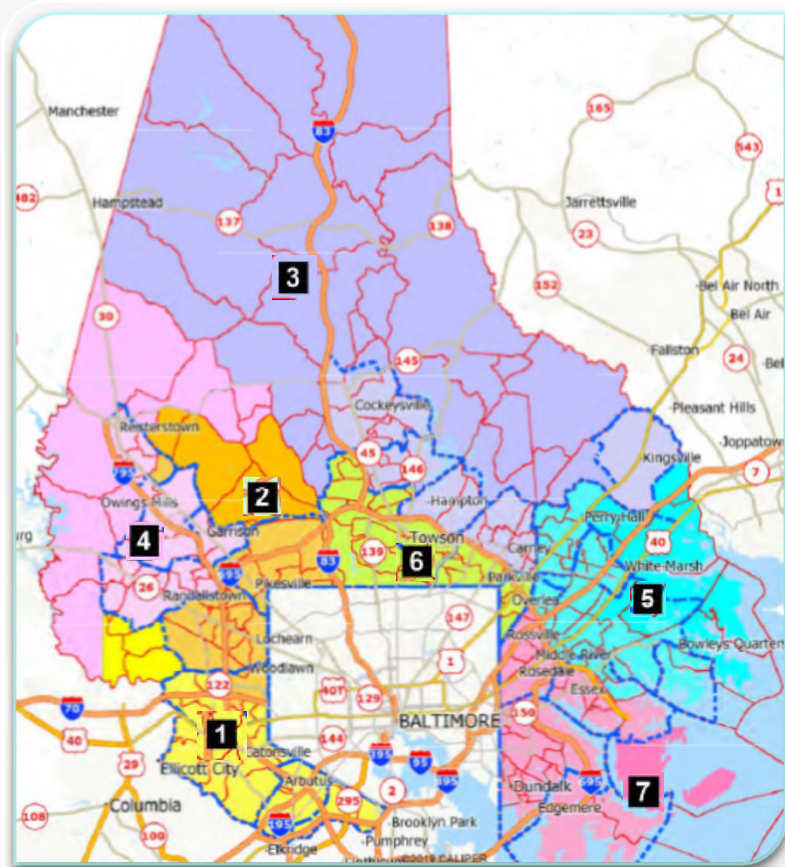


# THE NAACP'S PROPOSED PLAN 1





## THE NAACP'S PROPOSED PLAN 5





**Compactness Scores of Previous Baltimore County Redistricting Plans, the 2020 Proposal, and NAACP Maps 1 and 5.**

<b>Location</b>	<b>1990</b>		<b>2000</b>		<b>2010</b>		<b>2020</b>		<b>NAACP 1</b>		<b>NAACP 5</b>	
	<b>PPTest</b>	<b>Stest</b>	<b>PPTest</b>	<b>Stest</b>	<b>PPTest</b>	<b>Stest</b>	<b>PPTest</b>	<b>Stest</b>	<b>PPTest</b>	<b>Stest</b>	<b>PPTest</b>	<b>Stest</b>
District 1	0.172	0.415	0.378	0.615	0.420	0.648	0.463	0.680	0.188	0.434	0.270	0.519
District 2	0.299	0.546	0.399	0.631	0.361	0.601	0.417	0.646	0.389	0.623	0.272	0.521
District 3	0.349	0.591	0.379	0.616	0.466	0.682	0.543	0.737	0.394	0.627	0.441	0.664
District 4	0.308	0.555	0.278	0.527	0.308	0.555	0.348	0.590	0.252	0.502	0.245	0.495
District 5	0.027	0.164	0.141	0.376	0.234	0.484	0.142	0.377	0.106	0.326	0.109	0.331
District 6	0.159	0.399	0.023	0.151	0.035	0.186	0.289	0.538	0.262	0.512	0.326	0.571
District 7	0.044	0.210	0.035	0.186	0.021	0.144	0.067	0.259	0.051	0.226	0.054	0.232
<b>Average</b>	<b>0.194</b>	<b>0.411</b>	<b>0.233</b>	<b>0.443</b>	<b>0.264</b>	<b>0.471</b>	<b>0.324</b>	<b>0.547</b>	<b>0.235</b>	<b>0.464</b>	<b>0.245</b>	<b>0.476</b>

PPTest=Polsby Popper test for Compactness

Stest=Schwartzberg test for Compactness

For both tests, high values closer to 1 indicate more compactly drawn districts



<b>Table 4. Divided Communities in Recent and Alternative Redistricting Plans for Baltimore County Council</b>					
	2000	2010	2020	NAACP 1	NAACP 5
VTDS	2	0	2	0	22
Places	16	16	15	15	5
Cell entries show the number of “VTDs” (or precincts, that are divided in each (proposal) plan, and the number of Census “Places” also divided.					



## CORE RETENTION

<b>Core Retention Across Redistricting Plans Showing Continuity of Constituencies</b>				
	2000 to 2010	2010 to 2020	2010 to NAACP 1	2010 to NAACP 5
District 1	0.999	1.000	0.564	0.949
District 2	0.938	0.988	0.749	0.548
District 3	0.888	0.988	0.788	0.828
District 4	0.950	1.000	0.548	0.595
District 5	0.765	0.510	0.521	0.542
District 6	0.713	0.556	0.720	0.420
District 7	0.904	1.000	1.000	0.924
<b>Average</b>	<b>0.880</b>	<b>0.863</b>	<b>0.699</b>	<b>0.687</b>
Cell entries show proportion of the residents in the district from the previous decade carried over to the new (proposed) district. Estimates use 2020 block data.				



2018 Democratic Primary (Gov)		Rushern Baker		Ben Jealous (W)		Jim Shea		Krish Vignarajah		All Others (5)	
District 1	(28-30% Black)	1381	17.8%	3442	44.3%	999	12.8%	908	11.7%	1047	13.5%
Woodlawn 001-001	(70-75% Black)	73	17.2%	174	41%	61	14.4%	73	17.2%	43	10.1%
Chadwick 001-002	(55-65% Black)	42	19.1%	109	49.5%	29	13.2%	17	7.7%	23	10.5%
Edmonson 001-006	(80% Black)	99	17.8%	260	46.8%	93	16.7%	25	4.5%	79	14.2%
Dogwood 001-017	(60-65% Black)	110	22.3%	210	42.5%	59	11.9%	28	5.7%	87	17.6%
District 2	(25-30% Black)	1979	19.1%	4061	39.1%	1754	16.9%	865	8.3%	1728	16.6%
Old Court (W) 002-007	(85-88% Black)	55	18.8%	121	41.4%	50	17.1%	12	4.1%	54	18.5%
Winand 002-008	(82-84% Black)	88	16.4%	268	50.1%	87	16.3%	18	3.4%	74	13.8%
Old Court (E) 002-023	(59-60% Black)	23	25.8%	47	52.8%	7	7.9%	3	3.4%	9	10.1%
Sudbrook 003-003	(73-76% Black)	77	16.8%	225	49.2%	58	12.7%	27	5.9%	70	15.3%
District 4	(71-73% Black)	1811	18.6%	4615	47.5%	1411	14.5%	542	5.6%	1336	13.8%
Powhatan (1) 002-001	(90-92% Black)	63	18.7%	154	45.7%	62	18.4%	21	6.2%	37	11%
Powhatan (2) 002-002	(88-91% Black)	69	18.2%	190	50%	39	10.3%	31	8.2%	51	13.4%
Woodmoor 002-004	(90% Black)	104	26.7%	167	42.8%	41	10.5%	13	3.3%	65	16.7%
Milford Mill 002-028	(90-91% Black)	4	17.4%	14	60.9%	1	4.3%	1	4.3%	3	13%



## CONSIDERATIONS FOR ASSESSING POLARIZATION

- “Black-preferred candidate” does not mean a candidate of the same race.
- Endogenous elections are more relevant than exogenous elections.
- More recent elections are more probative than older elections.
- Is there a “usual” pattern of polarization?



# ENDOGENOUS ELECTION: 2018 DEMOCRATIC COUNCILMANIC ELECTION FOR DISTRICTS 1 & 2

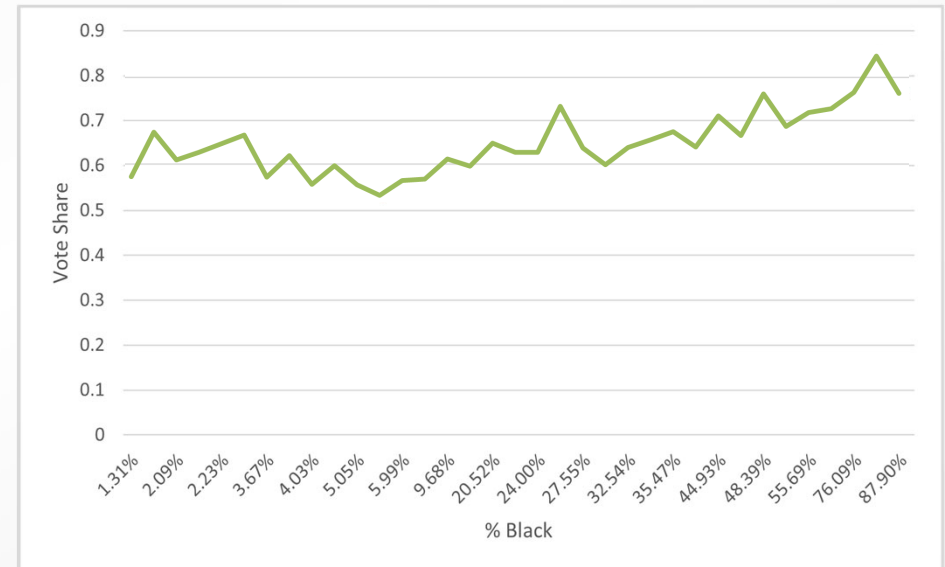
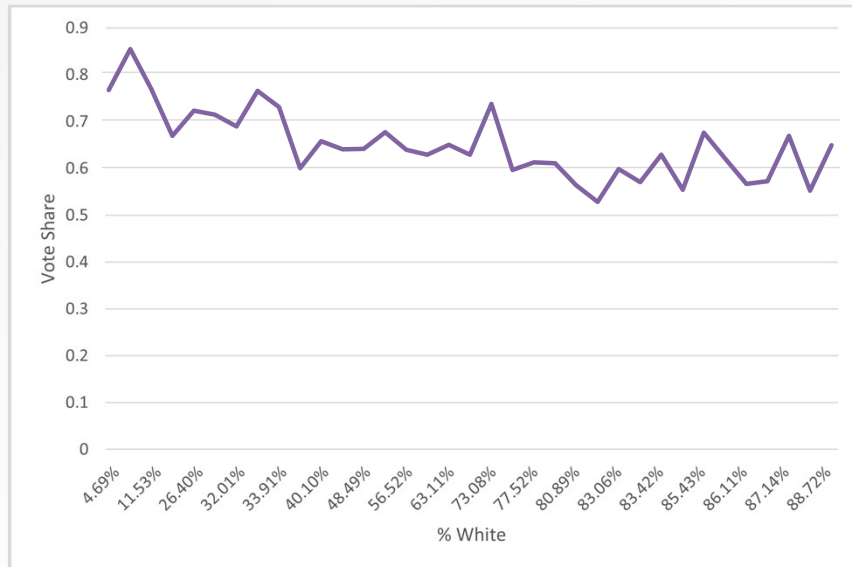
District 1 Precinct		Black Population 2010 / 2020	Total Votes for Tom Quirk		Total Votes for Albert Nalley	
Woodlawn	001-001	75.5% / 70.43%	1006	92.55%	80	7.36%
Edmonson	001-006	80.36% / 80.98%	1254	92.75%	92	6.8%
Dogwood	001-017	63.83% / 58.91%	1186	92.22%	100	7.78%

District 2 Precinct		Black Population 2010 / 2020	Total Votes for Izzy Patoka		Total Votes for Michael Lee	
Old Court	002-007	85.68% / 87.9%	739	95.35%	35	4.52%
Winand	002-008	82.76% / 83.61%	885	92%	76	7.9%
Sudbrook	003-003	73.4% / 76.09%	860	92.08%	73	7.82%



## ENDOGENOUS ELECTION: CHERYL PASTEUR'S 2018 ELECTION TO THE SCHOOL BOARD IN DISTRICT 2





# EXOGENOUS ELECTION: 2014 DEMOCRATIC GUBERNATORIAL PRIMARY IN DISTRICTS 1 & 2

District 1 Precinct		Black Population 2010 / 2020	Total Votes for Anthony Brown		Total Votes for Doug Gansler	
Woodlawn	001-001	75.5% / 70.43%	288	59.26%	86	17.7%
Edmonson	001-006	80.36% / 80.98%	334	63.02%	79	14.91%
Dogwood	001-017	63.83% / 58.91%	320	69.87%	58	12.66%
District 2 Precinct		Black Population 2010 / 2020	Total Votes for Anthony Brown		Total Votes for Doug Gansler	
Old Court	002-007	85.68% / 87.9%	195	62.1%	49	15.61%
Winand	002-008	82.76% / 83.61%	336	66.4%	93	18.38%
Sunbrook	003-003	73.4% / 76.09%	277	60.75%	84	18.42%



2010 Democratic Primary (Gov)		J.P. Cusick		Ralph Jaffe		Martin O'Malley (W)	
District 1	(30% Black)	1341	15.3%	461	5.3%	6956	79.4%
Woodlawn 001-001	(75.5% Black)	41	7.1%	11	1.9%	527	91%
Chadwick 001-002	(65% Black)	27	9%	6	2%	485	89%
Edmonson 001-006	(80% Black)	33	6.2%	19	3.5%	485	90.3%
Dogwood 001-017	(64% Black)	28	6.4%	14	3.2%	394	90.4%
District 2	(25.5% Black)	1320	9.7%	1065	7.9%	11170	82.4%
Old Court (West) 002-007	(85.5% Black)	14	3.9%	12	3.3%	334	92.8%
Winand 002-008	(82.5% Black)	41	6.1%	21	3.1%	613	90.8%
Old Court (East) 002-023	(60% Black)	2	1.6%	8	6.4%	116	82.1%
Sudbrook 003-003	(73.5% Black)	19	3.3%	15	2.6%	539	94.1%
District 4	(71% Black)	607	5%	441	3.6%	11047	91.3%
Powhatan (1) 002-001	(90.5% Black)	9	2.3%	13	3.4%	363	94.3%
Powhatan (2) 002-002	(91% Black)	13	2.4%	16	3%	514	94.7%
Woodmoor 002-004	(90.5% Black)	17	2.7%	12	1.9%	606	95.4%
Milford Mill 002-028	(91% Black)	0	0%	1	3.6%	27	96.4%



2014 Democratic Primary (Gov)		Anthony Brown (W)		Doug Gansler		Heather Mizeur	
District 1	(28-30% Black)	3081	39.5%	1986	25.5%	2498	32%
Woodlawn 001-001	(70-75% Black)	288	59.3%	86	17.7%	97	20%
Chadwick 001-002	(55-65% Black)	118	56.5%	42	20.1%	40	19.1%
Edmonson 001-006	(80% Black)	334	63%	79	14.9%	104	19.6%
Dogwood 001-017	(60-65% Black)	320	69.9%	58	12.7%	71	15.5%
District 2	(25-30% Black)	4103	34.5%	4105	34.5%	3470	29.2%
Old Court (West) 002-007	(85-88% Black)	195	62.1%	49	15.6%	62	19.8%
Winand 002-008	(82-84% Black)	336	66.4%	93	18.4%	67	13.2%
Old Court (East) 002-023	(59-60% Black)	52	59.1%	19	21.6%	16	18.2%
Sudbrook 003-003	(73-76% Black)	227	60.8%	84	18.4%	90	19.7%
District 4	(71-73% Black)	6246	64.6%	1618	16.7%	1584	16.4%
Powhatan (1) 002-001	(90-92% Black)	260	72.6%	40	11.2%	49	13.7%
Powhatan (2) 002-002	(88-91% Black)	327	72.5%	47	10.4%	66	14.6%
Woodmoor 002-004	(90% Black)	310	72.1%	55	12.8%	55	12.8%
Milford Mill 002-028	(90-91% Black)	21	70%	4	13.3%	5	16.7%



2016 Democratic Primary (Sen)		Chris Van Hollen (W)		Donna Edwards	
District 1	(28-30% Black)	7036	51.2%	5479	39.8%
Woodlawn 001-001	(70-75% Black)	251	29.2%	542	63%
Chadwick 001-002	(55-65% Black)	118	29.6%	246	61.7%
Edmonson 001-006	(80% Black)	317	30.2%	663	63.1%
Dogwood 001-017	(60-65% Black)	297	33%	525	58.3%
District 2	(25-30% Black)	10752	64.2%	5012	29.9%
Old Court (West) 002-007	(85-88% Black)	136	25.4%	360	67.3%
Winand 002-008	(82-84% Black)	231	30.5%	489	64.5%
Old Court (East) 002-023	(59-60% Black)	46	37.7%	69	56.6%
Sudbrook 003-003	(73-76% Black)	238	31.7%	467	62.3%
District 4	(71-73% Black)	5475	32.8%	10329	61.8%
Powhatan (1) 002-001	(90-92% Black)	115	24%	342	71.3%
Powhatan (2) 002-002	(88-91% Black)	201	27.8%	494	68.3%
Woodmoor 002-004	(90% Black)	192	27.8%	462	66.9%
Milford Mill 002-028	(90-91% Black)	11	19.6%	42	75%



All “Candidates of Choice”		Martin O’Malley (2010)		Anthony Brown (2014)		Donna Edwards (2016)		Ben Jealous (2018)	
District 1	(28-30% Black)	6956	79.4%	3081	39.5%	5479	39.8%	3442	44.3%
Woodlawn 001-001	(70-75% Black)	527	91%	288	59.3%	542	63%	174	41%
Chadwick 001-002	(55-65% Black)	485	89%	118	56.5%	246	61.7%	109	49.5%
Edmonson 001-006	(80% Black)	485	90.3%	334	63%	663	63.1%	260	46.8%
Dogwood 001-017	(60-65% Black)	394	90.4%	320	69.9%	525	58.3%	210	42.5%
District 2	(25-30% Black)	11170	82.4%	4103	34.5%	5012	29.9%	4061	39.1%
Old Court (W) 002-007	(85-88% Black)	334	92.8%	195	62.1%	360	67.3%	121	41.4%
Winand 002-008	(82-84% Black)	613	90.8%	336	66.4%	489	64.5%	268	50.1%
Old Court (E) 002-023	(59-60% Black)	116	82.1%	52	59.1%	69	56.6%	47	52.8%
Sudbrook 003-003	(73-76% Black)	539	94.1%	227	60.8%	467	62.3%	225	49.2%
District 4	(71-73% Black)	11047	91.3%	6246	64.6%	10329	61.8%	4615	47.5%
Powhatan (1) 002-001	(90-92% Black)	363	94.3%	260	72.6%	342	71.3%	154	45.7%
Powhatan (2) 002-002	(88-91% Black)	514	94.7%	327	72.5%	494	68.3%	190	50%
Woodmoor 002-004	(90% Black)	606	95.4%	310	72.1%	462	66.9%	167	42.8%
Milford Mill 002-028	(90-91% Black)	27	96.4%	21	70%	42	75%	14	60.9%



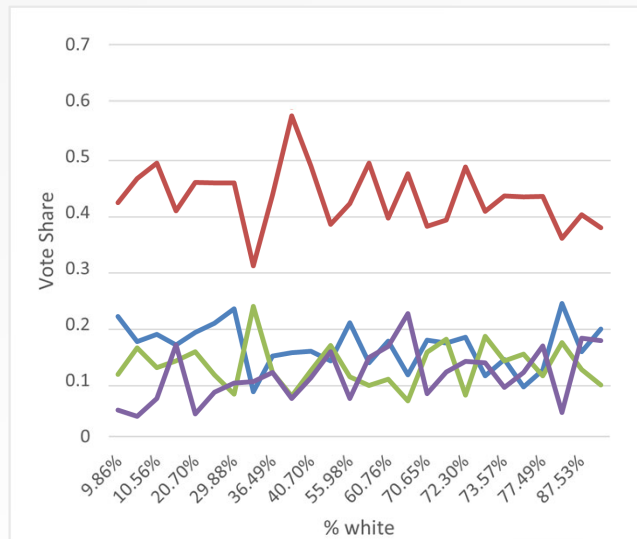
2018 Election in District 2		Izzy Patoka		Michael Lee		Cheryl Pasteur		Anthony Glasser	
All Precincts	(25-30% Black)	19,524	68.5%	8,956	31.4%	13,693	65.2%	7,123	33.9%
Old Court (W) 002-007	(85-88% Black)	739	95.4%	35	4.5%	520	76.3%	152	22.3%
Winand 002-008	(82-84% Black)	885	92%	76	7.9%	752	84.9%	131	14.8%
Old Court (E) 002-023	(59-60% Black)	116	88.3%	22	11.7%	112	72.7%	41	26.6%
Sudbrook 003-003	(73-76% Black)	860	92.1%	74	7.8%	637	76.5%	192	23.1%



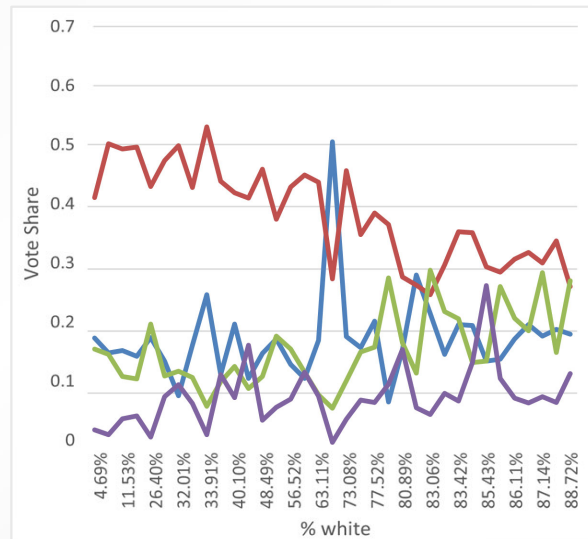
# EXOGENOUS ELECTION: 2018 GUBERNATORIAL PRIMARY VOTES FOR BEN JEALOUS

Rushern Baker  
Ben Jealous  
Jim Shea  
Krish O'Mara  
Vignarajah

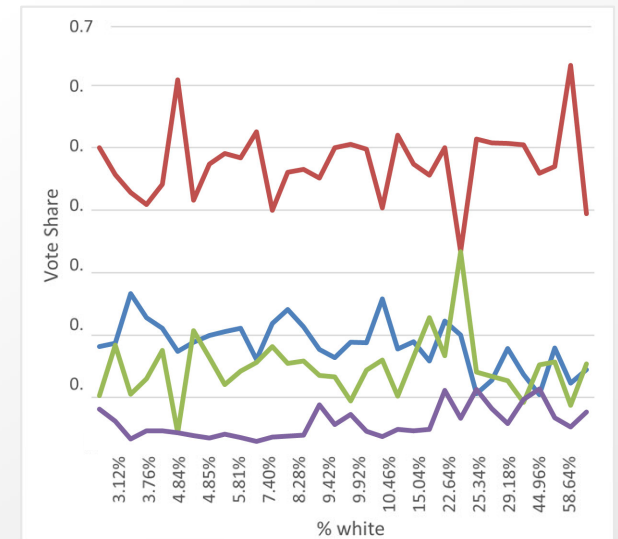
District 1



District 2



District 4





“Additionally, we conclude that the district court erred in a third respect, by basing its decision exclusively on data from elections in which a black candidate was on the ballot, rather than a more representative sample of elections. By limiting its consideration to elections in which a candidate of the minority’s race was on the ballot, the district court may have failed to include as black-preferred candidates some white candidates who may very well have been the representative choice of the black community.”

*Lewis v. Alamance County, N.C.*, 99 F.3d 600, 605 (1996)